

KENNETH H. WINE(#142385)
Hallinan & Wine
345 Franklin Street
San Francisco, CA 94102
Telephone: (415) 621-2400
Facsimile: (415) 575-9930
email: kenwine@hotmail.com

Counsel for PAMELA CARRERO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CR-20-480 WHA
)	
Plaintiff,)	SECOND SUPPLEMENTAL
)	SENTENCING MEMORANDUM
v.)	OF DEFENDANT
)	PAMELA CARRERO
PAMELA CARRERO,)	
)	Date: February 22, 2022
Defendant.)	Time: 2:00 p.m.

HON. WILLIAM H. ALSUP

I. Background

At the second sentencing hearing on February 15, 2022, the defense continued to raise the issue of collateral consequences that Defendant Pamela Carrero will suffer, to wit: the expected termination of parental rights to her 3 year old son due to her incarceration. The Court had a number of questions: (1) the operation of the existing ICE deportation order, and whether or not it could be suspended while Pamela was placed in a half-way house to allow for her to maintain her parental rights over her 3 year old son; (2) if ICE did not immediately enforce the deportation order, what services would CPS permit in the half-way house; (3) would this opportunity allow for a reevaluation of the current recommendation of the Alameda County Family Court LCSW, to wit: that parental rights be terminated and that her son be placed up for adoption.

II. Argument

The effect of the ICE deportation order cannot be delayed in a manner that will allow Ms. Carrero any meaningful benefit in her parental rights case. It can be challenged by a claim for asylum, for example, but that would require Ms. Carrero to fight the deportation order from a ICE detention facility somewhere outside the Bay Area, or to be more accurate, wherever ICE placed her. Any attempt to delay her ultimate deportation would provide no real opportunity for Ms. Carrero to reunify with her child.

Assuming that the order for deportation is not challenged with an asylum claim, for example, and Pamela cannot stay in this Country, the only chance she has is to cooperate with family services in Honduras, and showing progress in her reunification with her child by actively participating, by Zoom and otherwise, in the reunification plan. If Pamela is incarcerated, she stands virtually no chance of reunification, and will have her parental rights terminated.

The government has represented that an order for deportation already exists for Pamela, therefore, the Court cannot order Pamela released to a half-way house, or similar situation. Since that is the case, the issue of collateral consequences – losing her child -- remains a virtual certainty. The current recommendation is that the Alameda Court terminate parental rights and place Pamela's child up for adoption. That plan will not change while Pamela remains in the custody of either BOP or ICE. The Court should sentence Ms. Carrero to time served.

HALLINAN & WINE

Dated: February 15, 2022

/s/ Kenneth Wine
Kenneth H. Wine
Attorney for Defendant
PAMELA CARRERO